

**XXV. WHAT HAPPENS NOW - PLANNING THE REFORM**

The Task Force believes that important steps can now be taken to plan and implement the proposed reforms.

***A Role for the Equality Seeking Community***

In the view of the Task Force, gains in human rights can only be made with the participation of the groups affected. An open, participatory process is therefore essential in the follow-up to this Report.

Equality seeking groups will want to, and should, play a key role in helping to implement changes to the Code and the enforcement system. They will, however, be unable to play that role unless some resources are provided.

The Task Force believes that the government should provide immediate project funding to ensure meaningful and constructive community participation in the change process.

The project should allow equality seeking groups to monitor the implementation of human rights reform.

The Human Rights Follow-Up Project could include the following objectives:

- bring together representatives of the diverse equality seeking groups to discuss the Task Force Report and implementation of human rights reform,
- develop a mechanism or coalition to enable equality seeking groups to meet regularly and work together on human rights reform,
- facilitate the sharing of information and strategies,
- promote consensus and solidarity,
- promote effective communication between the government and equality seeking groups and effective participation of equality seeking groups in the reform process,
- monitor the implementation of human rights reform on behalf of equality seeking groups, and

- organize a "Human Rights Audit Meeting" of representatives of equality seeking groups in September 1992 and every six months thereafter until the reforms have been successfully implemented.

#### **RECOMMENDATION (82):**

- **The government should fund a Human Rights Follow-Up Project to allow equality seeking groups to work together and play a meaningful role in the implementation of human rights reform.**
- **The Project should allow for a meeting of equality seeking groups from across the province in September, 1992 and every six months thereafter to review progress to date.**

#### ***Role for the Respondent Community***

The Task Force has strongly recommended that a proactive approach be adopted to overcome broad patterns of discrimination in Ontario. In the system proposed by the Task Force, the Commissioner for compliance advice will work with the respondent community to assist them in developing proactive approaches.

Organizations representing employers, and service and accommodation providers can play an important role in preparing for a new, more proactive human rights system in Ontario. They can begin discussions within their memberships and with the government on how best to relate to and work with a revitalized Human Rights Ontario that will have a very different role than in the past.

The focus of Human Rights Ontario will be on broad, proactive initiatives to achieve equality rights for all Ontarians. By developing a mechanism to communicate with and work with Human Rights Ontario, the respondent community will help ensure a productive and useful relationship.

Employers and service and accommodation providers who have successful experience in implementing equality rights can play a valuable role in the proposed new human rights system. They can contribute their expertise as members of the Human Rights Council or the Advisory Committee to the Equality Rights Tribunal or as Commissioner for Compliance Services.

**RECOMMENDATION (83):**

- **Employers and service and accommodation providers should begin discussions within their sector and with government on how to participate in a new, revitalized human rights system. These persons should meet with the Government and other to effectively participate in the reform process.**

***A Role for the Ontario Human Rights Commission***

Coordination also needs to be planned with the Ontario Human Rights Commission which has the difficult task of preparing itself for a very substantial organizational change while still responsible for carrying out an important legislative mandate of handling the current cases.

The Task Force believes that there are many recommendations for reform which are contained in the report that do not require legislative amendments, some of which were endorsed already by the Commission in its brief to the Task Force.

The Task Force believes it is particularly important that the Commission seek to repair its relationship with the equality seeking community, and as the Commission's brief stated, to empower and recognize the expertise and role of equality seeking groups in the claims system.

The Commission must also build links to the community responsible for ensuring equality.

It should also work with the Commission employees' bargaining agent OPSEU in order to plan for the labour relations concerns which arise from the Report and this Plan.

**RECOMMENDATION (84):**

- **The Ontario Human Rights Commission should study and consider this report in order to promptly implement where appropriate the recommendations for reform which do not require legislative amendments.**
- **The Commission should also work with the Human Rights Follow Up Project and the representatives of the respondent community to discuss implementation issues as they affect the Commission.**
- **The Commission should adopt a more open, cooperative relationship with community groups and individuals with human rights expertise and allow them to prepare and develop their own claims, and participate in direction of the investigation, settlement and appointment of the Board of Inquiry.**

- **The Commission should interpret section 36 of the Code more liberally. A hearing should be considered the normal "appropriate procedure." The "evidence" which "warrants an inquiry" should be where it discloses reasonable grounds of a Code violation. This taest would require a less extensive investigation.**
- **The Commission should also work with the Commission employees' bargaining agent OPSEU in order to plan for the labour relations concerns which arise from the Report and this Plan.**

### *Role for Government*

The changes which are proposed in this report are substantial. They affect a number of existing bodies and cover a number of different Ministries, including the Ministry of Citizenship, Ministry of Labour, Management Board Secretariat, and Treasury Board.

In light of this cross-Ministerial responsibility, the Task Force proposes that the Government name a senior person in the Cabinet Office to be overall responsible for coordinating and directing the implementation of the reform process and ensuring that it proceeds quickly and with the cooperation of all the relevant Ministries and bodies. This Cabinet Office reform coordinator would work closely with the Deputy Minister of Citizenship; the Human Rights Follow-Up Project; the Commission; any representatives of the respondent community who are involved in the reform process

Coordination should be planned between a reformed human rights system, the new Employment Equity system, and existing equality agencies, such as the Pay Equity system, the Anti-Racism Secretariat, the Office for Disability Issues, the Ontario Women's Directorate.

Coordination will help make access to these different systems as clear and simple as possible. Coordination will also help derive maximum benefit from available resources.

### **RECOMMENDATION (85):**

- **The Government should name a senior person in the Cabinet Office to be overall responsible for coordinating and directing the implementation of the reform process and ensuring that it proceeds quickly and with the cooperation of all the relevant Ministries, equality agencies and other bodies. This coordinator will work closely with all interested groups, including those identified in this Plan. This coordinator would work closely with the Deputy Minister of Citizenship.**

***Role for the Ontario Liberal Party and the Ontario Progressive Conservative Party***

The Task Force recalls the vigour with which the two opposition parties called for a reform process that would achieve quick results.

The passage of the necessary legislation to implement the reforms must be done as quickly as possible in order to create a new system as quickly as possible.

**RECOMMENDATION (86):**

- **The Task Force calls on the Ontario Liberal Party and the Progressive Conservative Party of Ontario to take all necessary steps with the governing New Democratic Party to ensure the speedy passage of the necessary legislation.**

***Making the Transition - a Proposed Timetable***

Because of the urgent need to reform Ontario's human rights system, the government gave the Task Force a very short time frame to complete its mandate. The government indicated that it would treat the recommendations of the Task Force with great seriousness and would move speedily to implement reform.

Some of the reforms recommended by the Task Force could begin to be implemented immediately; others could be gradually phased in. Other recommendations can only be implemented after the government has amended the **Code**.

**RECOMMENDATION (87):**

**In the view of the Task Force, the following actions could and should be taken by:**

**August 1, 1992**

- **The follow up project should be funded to allow equality seeking groups to participate in the reform process.**

**September 1, 1992.**

- **The Premier on behalf of the Government should make a firm commitment to the expeditious implementation of this report in partnership with the two opposition parties.**
- **The government should start discussions with the Pay Equity Tribunal and the Employment Equity Commissioner to set up a joint Tribunal.**
- **The lead Minister and person designated in the Cabinet Office to oversee the reform should act on the recommendations set out in the report which apply to Government itself (Section of Proactive Role for the Government) and direct all government ministries and agencies to review the pending human rights cases against them. Direction should be given to take a proactive equality rights approach in any future action on pending cases.**

**September 30, 1992**

- **The Premier of Ontario should consult widely with appropriate people and name the three persons with outstanding human rights records as the Equality Rights Appointment Committee.**

**By November 30, 1992,**

- **The Government should establish the Equality Services Board which could be working on establishing the standards and training for the law advocates and other matters. These advocates could be retained to act under the old system.**

**In the Fall Session, 1992**

- **The Government should bring in the necessary legislation which is needed to implement the report.**

**No later than the Spring Session, 1993**

- **The Government should work with the Leaders of the Opposition to ensure that the bill is passed.**

**By September 30, 1993**

- **The new enforcement system should be reasonably operational.**